

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL B. BRIDGES,	§
	§ No. 576, 2010
Plaintiff Below-	§
Appellant,	§
v.	§ Court Below—Superior Court of
	§ the State of Delaware, in and for
	§ New Castle County
S/LT. WILLEY, et al.,	§ C.A. No. N10C-07-239
	§
Defendants Below-	§
Appellees.	§

Submitted: January 14, 2011

Decided: February 16, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 16th day of February 2011, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The plaintiff-appellant, Michael B. Bridges, a prison inmate at the James T. Vaughn Correctional Center (“JTVCC”), filed an appeal from the Superior Court’s order dismissing his complaint against prison officials as legally frivolous under Del. Code Ann. tit. 10, §8803. We find no merit to the appeal. Accordingly, we affirm.

(2) The record before us reflects that, in August 2010, Bridges filed a complaint against S/Lt. Willey, Sgt. Hawn and the Department of Correction (“DOC”). The complaint alleged that Hawn assaulted him, that

Willey provided inadequate supervision by permitting his officers to abuse the prison inmates, and that the DOC's policies do not properly screen out abusive personalities from employment in the prison system. In this appeal, Bridges claims that the Superior Court abused its discretion when it dismissed his complaint as legally frivolous. Under Del. Code Ann. tit. 10, §8803, the Superior Court is authorized to dismiss a complaint if it is found to be malicious or factually or legally frivolous. Section 8801 defines a legally frivolous lawsuit as one "based on an indisputably meritless legal theory."

(3) The first claim in Bridges' complaint is that Sgt. Hawn assaulted him. Because the allegations lodged against Hawn in the complaint itself are overly broad and conclusory, without supporting factual allegations, and because the grievance reports attached to the complaint in support of Bridges' allegations reflect that the injuries resulting from the alleged assault were *de minimus*, we conclude that the Superior Court acted within its discretion when it dismissed Bridges' first claim.¹

(4) Bridges' second claim is that S/Lt. Willey provided inadequate supervision over Sgt. Hawn. Because Bridges makes no claim that Willey himself played an affirmative role in the alleged deprivation of his rights,

¹ *Colburn v. Upper Darby Township*, 838 F.2d 663, 664 (3d Cir. 1988), *cert. denied* 489 U.S. 1065 (1989); *Hudson v. McMillian*, 503 U.S. 1, 9-10 (1992).

fails to identify with particularity what actions on Willey's part amounted to deliberate indifference, and fails to demonstrate a causal relationship between those actions and his injuries, we conclude that the Superior Court also acted within its discretion when it dismissed Bridges' second claim.²

(5) The third claim in Bridges' complaint is that the DOC's employment policies fail to properly screen out abusive personalities. Because the doctrine of sovereign immunity provides that the State and its agencies may not be sued without their consent and there is no evidence that the DOC has consented to be sued in connection with the claims made by Bridges, we conclude that the Superior Court likewise acted within its discretion when it dismissed Bridges' third claim.³

(6) In the absence of any error or abuse of discretion on the part of the Superior Court, we conclude that the Superior Court's judgment must be affirmed.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

² *City of Canton v. Harris*, 489 U.S. 378, 385-88 (1989); *Chincello v. Fenton*, 805 F.2d 126, 133 (3d Cir. 1986).

³ *Turnbull v. Fink*, 668 A.2d 1370, 1376-77 (Del. 1995); Del. Const. art. I, §9.